

## **ATTACHMENT 3**



"Clark, David"  
<dclark@steptoe.com>  
08/10/2006 11:12 AM

---

**From:** Elaine Bredehoft [mailto:ebredehoft@charlsonbredehoft.com]  
**Sent:** Tuesday, March 14, 2006 12:40 PM  
**To:** Cooper, Ronald; Clark, David; Laura Hogue; Dorothea Regal  
**Cc:** Kathy Quill  
**Subject:** Discovery motions, additional discovery

Counsel: Upon arriving back home yesterday and learning that the Court had dismissed our Motions to Compel, I called and spoke with Judge Penn's law clerk to ascertain whether the Court had misunderstood and believed all the outstanding motions had been resolved by the Consent Order. After speaking with Mr. Hill, apparently the Court did assume that. However, Mr. Hill indicated that the Court was nonetheless hopeful that we could work out the disputes, and take this opportunity to see if more resolution could be reached, and if not, that a Motion to Reconsider was the proper route to take, listing the remaining disputes. He also specifically asked us to include your positions to the discovery issues that were the subject of the motions to compel in our motion. Obviously with respect to Mr. Nadal, we were in agreement and anticipating the responses, and with EDFINA and EDF, there was more territory to cover.

Given the Court's urging that we make another effort to resolve the issues before we file our motions to reconsider, I would ask that you review Kathy's letters and see what may be resolved, or if there is close enough positioning that resolution may be reached. I would then ask you to communicate with Kathy to respond to her letters, so that she can determine what can be resolved and when, and for those issues that cannot be resolved, I would appreciate your best efforts to articulate your position on EACH issue, so that we can properly represent it. I am of the impression that an "all or nothing" approach will not be well-taken, but we will represent whatever it is you want to say.

Thank you for your consideration and thoughtful responses to Kathy's letters. I hope we can use the momentum of the resolution of the deposition issues to forge a new, more cooperative spirit moving forward.

On a separate note, I need to schedule some depositions in early to mid May. Can you provide me with your avoid dates in that timeframe, or bring your calendars to the deposition on Thursday prepared to lock in dates for your availability?

Thank you for your anticipated cooperation and consideration. I look forward to seeing you on Thursday. In the meantime, I would appreciate your communicating with Kathy on the discovery issues so we may prepare and file the motions, or resolve the issues in lieu of filing the motions.

Elaine Charlson Bredehft  
CHARLSON BREDEHOFT & COHEN, P.C.  
11260 Roger Bacon Drive, Suite 201  
Reston, VA 20190  
(703) 318-6800 Phone  
(703) 318-6808 Fax

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW.

If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, forwarding or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by e-mail or telephone, and delete the original message immediately. Thank you.